



## DEPARTMENT OF PLANNING AND BUILDING

JAMES A. BERGMAN

DIRECTOR

**DATE:** JULY 18, 2014

**TO:** HEARING OFFICER

**FROM:** MICHAEL CONGER, PLANNER III

**SUBJECT:** REQUEST BY PEOPLES' SELF HELP HOUSING CORPORATION FOR A MINOR USE PERMIT TO ALLOW THE CONSTRUCTION OF 24 SINGLE FAMILY RESIDENCES. DRC2013-00065 *Continued from May 16, 2014*

### **RECOMMENDATION**

Approve Minor Use Permit DRC2013-00065 based on the findings listed in the Exhibit A (attached) and the conditions listed in the revised Exhibit B (attached).

### **DISCUSSION**

Prior to the scheduled May 16, 2014 hearing for the above-referenced Minor Use Permit, Julie Vanderwier with the US Fish and Wildlife Service (USFWS) contacted County staff to discuss some concerns with the standard San Joaquin kit fox mitigation measures that had been applied to this project. The measures were applied to Tract 2710 when it was approved by the Planning Commission in 2009. The environmental document used a 2005 habitat assessment as the factual basis to conclude that these measures were sufficient.

To allow adequate time to address USFWS's concerns, the hearing was continued to July 18, 2014. During this time, the applicant's biologist (Althouse and Meade) prepared and updated the kit fox habitat assessment. The updated assessment reached the same conclusion as the 2005 assessment: that the standard kit fox mitigation measures were sufficient.

Staff has spoken with Ms. Vanderwier at USFWS since the updated assessment was prepared. While she is not concerned with this specific project, Ms. Vanderwier remains concerned with the wording of the standard kit fox conditions. These changes affect Conditions 20 and 22 through 24. The purpose of the modifications is to reinforce early consultation with state and federal resource agencies in the unlikely event that a kit fox is discovered on the site.

A pre-construction survey and weekly site inspections will be conducted by a biologist during ground disturbance activities. If a kit fox is present on the site, the standard kit fox conditions allow work to resume once the fox leaves the site. In order to ensure that take will not occur in these circumstances, the conditions have been reworded to require that the work on the site is stopped. The biologist is further instructed to immediately contact the resource agencies and file a written incident report. Work may not resume until the resource agencies issue a take permit or determine that such a permit is unnecessary.

The applicant has been provided with a copy of this memo and the updated conditions of approval.

## **ATTACHMENTS**

May 16, 2014 Staff Report

Exhibit A: Findings

Exhibit B: Conditions of Approval (revised)

Exhibit C: Graphics

Exhibit D: Referral Responses

Exhibit E: Environmental Determination